

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SHERMAN WHITE, Individually, and)	
T'KEYAN BLACK, Individually,)	
)	
Plaintiffs,)	
)	No.: 17 CV 03314
v.)	
)	
WESTERN LOGISTICS EXPRESS, LLC,)	
A Corporation, PREMIUM TRANSPORTATION)	
STAFFING, INC., A Corporation and)	
DANIEL LAUDERBACK, Individually,)	
)	
Defendants.)	

FIRST AMENDED COMPLAINT AT LAW

Plaintiffs, SHERMAN WHITE and T'KEYAN BLACK, by their attorneys, LAW OFFICES OF SCOTT B. WOLFMAN & ASSOCIATES, P.C., and complaining of Defendants, DANIEL LAUDERBACK, Individually, WESTERN LOGISTICS EXPRESS, LLC, A Corporation and PREMIUM TRANSPORTATION STAFFING, INC., A Corporation, states:

COUNT I – NEGLIGENCE – SHERMAN WHITE vs. DANIEL LAUDERBACK

1. On or about January 18, 2016, Defendant, DANIEL LAUDERBACK, acted as an agent and employee of Defendant, WESTERN LOGISTICS EXPRESS, LLC, and/or PREMIUM TRANSPORTATION STAFFING, INC., when he operated a semi-truck in a southbound direction on Halsted Avenue in the City of Chicago Heights, State of Illinois, County of Cook.

2. On or about January 18, 2016, Defendant, DANIEL LAUDERBACK, Individually, had a duty to use ordinary care in the operation of his semi-truck.

3. On or about January 18, 2016, Plaintiff, SHERMAN WHITE, operated a motor vehicle in a southbound direction on Halsted Avenue at or near Alice Street in the City of Chicago

Heights, State of Illinois, County of Cook.

4. On or about January 18, 2016, Plaintiff, T'KEYAN BLACK, was a passenger in the vehicle driven by SHERMAN WHITE.

5. On or about January 18, 2016, Defendant, DANIEL LAUDERBACK, Individually, attempted a lane change on southbound Halsted at or near Alice Street when his vehicle collided with the vehicle driven by Plaintiff, SHERMAN WHITE.

6. On or about January 18, 2016, Defendant, DANIEL LAUDERBACK, Individually, breached his duty to use ordinary care and was negligent in one or more of the following ways:

- a. Carelessly and negligently failed to operate and control said motor vehicle;
- b. Carelessly and negligently failed to exercise that degree of care and caution that a reasonable person under similar circumstances would have exercised in the operation of said motor vehicle;
- c. Carelessly and negligently failed to keep a proper look out;
- d. Carelessly and negligently attempted a lane change when it was unsafe to do so;
- e. Carelessly and negligently failed to yield before attempting a lane change;
- f. Carelessly and negligently failed to signal; and
- g. Was otherwise careless and negligent.

7. As a direct and proximate result of one or more aforesaid careless and negligent acts and/or omissions of the Defendant, DANIEL LAUDERBACK, Individually, Plaintiff, SHERMAN WHITE, was injured and suffered damages of a personal and pecuniary nature and continues to suffer from said injuries.

WHEREFORE, Plaintiff, SHERMAN WHITE, prays for judgment in his favor and against the Defendant, DANIEL LAUDERBACK, Individually, in a sum greater than \$50,000.00 plus costs of this suit.

COUNT II– NEGLIGENCE – SHERMAN WHITE vs. WESTERN LOGISTICS EXPRESS, LLC, A Corporation and PREMIUM TRANSPORTATION STAFFING, INC.

1. On or about January 18, 2016, Defendant, DANIEL LAUDERBACK, acted as an agent and employee of Defendants, WESTERN LOGISTICS EXPRESS, LLC, and/or PREMIUM TRANSPORTATION STAFFING, INC., when he operated a semi-truck in a southbound direction on Halsted Avenue in the City of Chicago Heights, State of Illinois, County of Cook.

2. On or about January 18, 2016, Defendant, DANIEL LAUDERBACK, Individually, and acting as an agent and employee of Defendants, WESTERN LOGISTICS EXPRESS, LLC, and/or PREMIUM TRANSPORTATION STAFFING, INC., had a duty to use ordinary care in the operation of his semi-truck.

3. On or about January 18, 2016, Plaintiff, SHERMAN WHITE, operated a motor vehicle in a southbound direction on Halsted Avenue at or near Alice Street in the City of Chicago Heights, State of Illinois, County of Cook.

4. On or about January 18, 2016, Plaintiff, T'KEYAN BLACK, was a passenger in the vehicle driven by SHERMAN WHITE.

5. On or about January 18, 2016, Defendant, DANIEL LAUDERBACK, Individually, and acting as an agent and employee of Defendants, WESTERN LOGISTICS EXPRESS, LLC, and/or PREMIUM TRANSPORTATION STAFFING, INC., attempted a lane change on southbound Halsted at or near Alice Street when his vehicle collided with the vehicle driven by Plaintiff, SHERMAN WHITE.

6. On or about January 18, 2016, Defendant, DANIEL LAUDERBACK, Individually, and acting as an agent and employee of Defendants, WESTERN LOGISTICS EXPRESS, LLC, and/or PREMIUM TRANSPORTATION STAFFING, INC., breached his duty to use ordinary care and was negligent in one or more of the following ways:

- a. Carelessly and negligently failed to operate and control said motor vehicle;
- b. Carelessly and negligently failed to exercise that degree of care and caution that a reasonable person under similar circumstances would have exercised in the operation of said motor vehicle;
- c. Carelessly and negligently failed to keep a proper look out;
- d. Carelessly and negligently attempted a lane change when it was unsafe to do so;
- e. Carelessly and negligently failed to yield before attempting a lane change;
- f. Carelessly and negligently failed to signal; and
- g. Was otherwise careless and negligent.

7. As a direct and proximate result of one or more aforesaid careless and negligent acts and/or omissions of the Defendant, DANIEL LAUDERBACK, Individually, and acting as an agent and employee of Defendants, WESTERN LOGISTICS EXPRESS, LLC, and/or PREMIUM TRANSPORTATION STAFFING, INC., Plaintiff, SHERMAN WHITE, was injured and suffered damages of a personal and pecuniary nature and continues to suffer from said injuries.

WHEREFORE, Plaintiff, SHERMAN WHITE, prays for judgment in his favor and against the Defendants, WESTERN LOGISTICS EXPRESS, LLC, A Corporation and PREMIUM TRANSPORTATION STAFFING, INC., in a sum greater than \$50,000.00 plus costs of this suit.

COUNT III – NEGLIGENCE – T’KEYAN BLACK vs. DANIEL LAUDERBACK

1. On or about January 18, 2016, Defendant, DANIEL LAUDERBACK, acted as an agent and employee of Defendant, WESTERN LOGISTICS EXPRESS, LLC, and/or PREMIUM TRANSPORTATION STAFFING, INC when he operated a semi-truck in a southbound direction on Halsted Avenue in the City of Chicago Heights, State of Illinois, County of Cook.

2. On or about January 18, 2016, Defendant, DANIEL LAUDERBACK, Individually, had a duty to use ordinary care in the operation of his semi-truck.

3. On or about January 18, 2016, Plaintiff, SHERMAN WHITE, operated a motor vehicle in a southbound direction on Halsted Avenue at or near Alice Street in the City of Chicago Heights, State of Illinois, County of Cook.

4. On or about January 18, 2016, Plaintiff, T’KEYAN BLACK, was a passenger in the vehicle driven by SHERMAN WHITE.

5. On or about January 18, 2016, Defendant, DANIEL LAUDERBACK, Individually, attempted a lane change on southbound Halsted at or near Alice Street when his vehicle collided with the vehicle driven by Plaintiff, SHERMAN WHITE.

6. On or about January 18, 2016, Defendant, DANIEL LAUDERBACK, Individually, breached his duty to use ordinary care and was negligent in one or more of the following ways:

- a. Carelessly and negligently failed to operate and control said motor vehicle;
- b. Carelessly and negligently failed to exercise that degree of care and caution that a reasonable person under similar circumstances would have exercised in the operation of said motor vehicle;
- c. Carelessly and negligently failed to keep a proper look out;

- d. Carelessly and negligently attempted a lane change when it was unsafe to do so;
- e. Carelessly and negligently failed to yield before attempting a lane change;
- f. Carelessly and negligently failed to signal; and
- g. Was otherwise careless and negligent.

7. As a direct and proximate result of one or more aforesaid careless and negligent acts and/or omissions of the Defendant, DANIEL LAUDERBACK, Individually, Plaintiff, T'KEYAN BLACK, was injured and suffered damages of a personal and pecuniary nature and continues to suffer from said injuries.

WHEREFORE, Plaintiff, T'KEYAN BLACK, prays for judgment in her favor and against the Defendants, DANIEL LAUDERBACK, Individually, in a sum greater than \$50,000.00 plus costs of this suit.

COUNT IV – NEGLIGENCE – T'KEYAN BLACK vs. WESTERN LOGISTICS EXPRESS, LLC, A Corporation and PREMIUM TRANSPORTATION STAFFING, INC.

1. On or about January 18, 2016, Defendants, DANIEL LAUDERBACK, acted as an agent and employee of Defendants, WESTERN LOGISTICS EXPRESS, LLC, A Corporation and PREMIUM TRANSPORTATION STAFFING, INC., when he operated a semi-truck in a southbound direction on Halsted Avenue in the City of Chicago Heights, State of Illinois, County of Cook.

2. On or about January 18, 2016, Defendant, DANIEL LAUDERBACK, Individually, and acting as an agent and employee of Defendants, WESTERN LOGISTICS EXPRESS, LLC, A Corporation and/or PREMIUM TRANSPORTATION STAFFING, INC, had a duty to use ordinary care in the operation of his semi-truck.

3. On or about January 18, 2016, Plaintiff, SHERMAN WHITE, operated a motor vehicle in a southbound direction on Halsted Avenue at or near Alice Street in the City of Chicago

Heights, State of Illinois, County of Cook.

4. On or about January 18, 2016, Plaintiff, T'KEYAN BLACK, was a passenger in the vehicle driven by SHERMAN WHITE.

5. On or about January 18, 2016, Defendant, DANIEL LAUDERBACK, Individually, and acting as an agent and employee of Defendants, WESTERN LOGISTICS EXPRESS, LLC, A Corporation and/or PREMIUM TRANSPORTATION STAFFING, INC, attempted a lane change on southbound Halsted at or near Alice Street when his vehicle collided with the vehicle driven by Plaintiff, SHERMAN WHITE.

6. On or about January 18, 2016, Defendant, DANIEL LAUDERBACK, Individually, and acting as an agent and employee of Defendants, WESTERN LOGISTICS EXPRESS, LLC, A Corporation and/or PREMIUM TRANSPORTATION STAFFING, INC., breached his duty to use ordinary care and was negligent in one or more of the following ways:

- a. Carelessly and negligently failed to operate and control said motor vehicle;
- b. Carelessly and negligently failed to exercise that degree of care and caution that a reasonable person under similar circumstances would have exercised in the operation of said motor vehicle;
- c. Carelessly and negligently failed to keep a proper look out;
- d. Carelessly and negligently attempted a lane change when it was unsafe to do so;
- e. Carelessly and negligently failed to yield before attempting a lane change;
- f. Carelessly and negligently failed to signal; and
- g. Was otherwise careless and negligent.

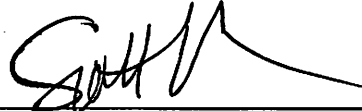
7. As a direct and proximate result of one or more aforesaid careless and negligent acts and/or omissions of the Defendants, WESTERN LOGISTICS EXPRESS, LLC, A

Corporation and/or PREMIUM TRANSPORTATION STAFFING, INC, Plaintiff, T'KEYAN BLACK, was injured and suffered damages of a personal and pecuniary nature and continues to suffer from said injuries.

WHEREFORE, Plaintiff, T'KEYAN BLACK, prays for judgment in her favor and against the Defendants, WESTERN LOGISTICS EXPRESS, LLC, A Corporation and PREMIUM TRANSPORTATION STAFFING, INC; in a sum greater than \$50,000.00 plus costs of this suit.

Respectfully Submitted,
Plaintiffs, SHERMAN WHITE, Individually
and T'KEYAN BLACK, Individually,

By:



SCOTT B. WOLFMAN,
One of Plaintiffs' Attorneys

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